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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

IN RE: CAPACITORS ANTITRUST  
LITIGATION

Master File No. 14-CV-03264-JD

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**STIPULATION AND [PROPOSED]  
ORDER RE: DISCOVERY LIMITS  
PURSUANT TO FED. R. CIV. P. 26(f)**

1 WHEREAS Direct Purchaser Plaintiffs (“DPPs”), Indirect Purchaser Plaintiffs (“IPPs”  
 2 and, together with DPPs, “Plaintiffs”), and Defendants have met and conferred pursuant to  
 3 Federal Rule of Civil Procedure 26(f); and

4 WHEREAS the parties have reached agreement on the enlargement of certain discovery  
 5 limits, as set forth below;

6 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

7 **A. Interrogatories Pursuant to Fed. R. Civ. P. 33(a)**

8 1. DPPs and IPPs each may serve 35 interrogatories per defendant family<sup>1</sup> named in  
 9 their respective complaints. This limit does not apply to interrogatories propounded on the  
 10 ACPERA amnesty applicant, but Plaintiffs and the ACPERA amnesty applicant agree to negotiate  
 11 reasonable limitations on such interrogatories. DPPs and IPPs will coordinate efforts to avoid  
 12 serving duplicative and/or overly burdensome interrogatories.

13 2. Defendants may jointly serve 25 interrogatories on each of the named DPPs and  
 14 IPPs. Each defendant family may serve an additional 10 interrogatories on each of the named  
 15 DPPs and IPPs pertaining to defendant-specific issues arising from the complaint(s) in which they  
 16 are named. Defendants will coordinate efforts to avoid serving duplicative and/or overly  
 17 burdensome interrogatories.

18 3. These limits on interrogatories do not apply to discovery relating to personal  
 19 jurisdiction.

20 **B. Individual Depositions Pursuant to Fed. R. Civ. P. 30(b)(1)<sup>2</sup>**

21 1. DPPs and IPPs collectively may depose up to 10 percipient witnesses per  
 22 defendant family, but no more than a total of 135 percipient witnesses. For purposes of this  
 23 stipulation, percipient witnesses shall include defendants’ current employees, as well as former  
 24 employees whom defendants assist in making available for deposition. Depositions of the  
 25 ACPERA amnesty applicant’s percipient witnesses are not subject to the 10-deposition per

26 <sup>1</sup> A defendant family includes all affiliates of a named defendant.

27 <sup>2</sup> The limitations on Plaintiffs’ depositions in sections B and C below are without prejudice to  
 28 Defendants’ ability to depose each of the named DPPs and IPPs pursuant to Federal Rule of Civil  
 Procedure 30.

defendant family limit, but do count toward the total limit of 135 percipient witness depositions. Plaintiffs and the ACPERA amnesty applicant agree to negotiate reasonable limitations on percipient witness depositions. Depositions of third parties that are not part of any defendant family do not count toward the limit of 135 percipient witness depositions.

2. If any individuals have been employed by more than one defendant, they may be deposed only once. If defendants are aware of any individual noticed for deposition who has been employed by more than one defendant, and Plaintiffs have not expressed their knowledge of this fact, defendants shall make this fact known upon receipt of a deposition notice for such individual.

3. Depositions conducted in English shall be limited to 7 hours each. Depositions for which interpreters are used shall be limited to 12 hours each. These time limits do not apply to depositions of the ACPERA amnesty applicant's percipient witnesses, but Plaintiffs and the ACPERA amnesty applicant agree to negotiate reasonable limitations on such depositions.

**C. Depositions Pursuant to Fed. R. Civ. P. 30(b)(6)**

1. DPPs and IPPs each may notice 30(b)(6) depositions on up to 15 topics, including non-transactional data topics and transactional data topics, per defendant family named in their respective complaints. DPPs and IPPs will coordinate efforts to avoid duplicative topics.

2. 30(b)(6) depositions on non-transactional data topics will be limited to a total of 14 hours per defendant family. 30(b)(6) depositions on transactional data topics will be limited to a total of 6 hours per defendant family. These time limits will be extended for depositions in which interpreters are used, by the same ratio as for percipient witness depositions (*i.e.*, 12 hours for every 7 hours, or by 1.7 times).

3. The limits on 30(b)(6) depositions set forth in sections C.1 and C.2 above do not apply to the ACPERA amnesty applicant, but Plaintiffs and the ACPERA amnesty applicant agree to negotiate reasonable limitations on such depositions.

4. In the event that any percipient witness who has received a deposition notice is likely to be designated as a 30(b)(6) representative, or in the event that any 30(b)(6) designee is likely to be deposed in his or her individual capacity, the parties will use their best efforts to

coordinate so as to avoid multiple depositions of the same witness. To the extent reasonably possible, defendants will (i) notify Plaintiffs at least 30 days in advance of a noticed deposition that the witness should be deposed in both his or her individual and representative capacities, and (ii) produce any responsive, non-privileged documents from the witness's custodial files at least 30 days in advance of the deposition. The parties will meet and confer in good faith regarding reasonable time limits for depositions of any witnesses who will be deposed in both their individual and representative capacities.

**D. Departing Employee Lists**

Plaintiffs may establish "employee lists" of no more than 15 custodians/witnesses per defendant family. For each such identified custodian/witness, defendants shall timely inform Plaintiffs in writing if they become aware that such person intends to leave, or does leave, his or her employment, to the extent reasonably possible. Upon Plaintiffs' request, defendants shall make that person available for deposition either before or after his or her departure, to the extent reasonably possible. Plaintiffs may make changes to their employee lists on a quarterly basis. The parties' obligations pursuant to this provision will cease on December 31, 2015.

**E. Service by E-Mail**

The parties agree that all documents may be served by e-mail and have exchanged applicable e-mail addresses. Fed. R. Civ. P. 6(d) shall continue to apply, such that parties will have 3 additional days to act after being served by e-mail.

**F. Modification of Limits**

Any of the provisions and limits set forth in sections A through E above may be modified by agreement of the parties affected or by the Court for good cause.

Dated: May 11, 2015

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Pursuant to Civil L. R. 5-1(e)(3), I attest that concurrence in the filing of this document  
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Dated: May 11, 2015

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1 **IT IS SO ORDERED.**

2  
3 Dated: \_\_\_\_\_

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